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CC Docket No. 95-116

**To: Chief, Wireless Telecommunications Bureau**

TMP Corp. and TMP Jacksonville, LLC (the “TMP Companies”) hereby reply to oppositions filed pursuant to the Commission's *Public Notice*<sup>1</sup> inviting comment on their Petition for Waiver filed on March 23, 2004.<sup>2</sup> The oppositions do not dispute the facts presented, but merely challenge their sufficiency based upon sweeping generalizations that the TMP Companies “should have” accomplished LNP deployment, having known of the upcoming deadline. This mischaracterization of the facts ignores the totality of the circumstances facing

<sup>2</sup> In the Matter of Telephone Number Portability, TMP Corp. and TMP Jacksonville, LLC Petition for Waiver of Section 52.23(b) of the Commission's Rules, filed March 23, 2004 ("Petition"). Oppositions were filed by Verizon Wireless and Dobson Communications Corporation ("Dobson"). Comments were filed by Nextel Communications, Inc. ("Nextel"). These filings are collectively referred to as "oppositions." Neither Dobson nor Nextel submitted a *bona fide* portability request to either of the TMP Companies.

the TMP Companies, and inappropriately diminishes the good faith efforts of the TMP Companies to comply with LNP and other Commission mandates.

Contrary to the opponents' allegations, the TMP Companies have demonstrated that good cause for a waiver exists. As described in the Petition, the TMP Companies fully anticipated meeting the May 24, 2004 implementation date, but the unexpected inability of the switch vendor to install the switch renders this task infeasible.<sup>3</sup>

Verizon Wireless, Dobson and Nextel mischaracterize the good faith efforts of the TMP Companies to meet the deadline as purposeful delay. The TMP Companies have already made all necessary arrangements for LNP support functions, including contracts with a third party to process porting requests, finalization of arrangements with NeuStar, and contracting for database dip services. These arrangements were concluded shortly after the execution of the contract for the new switch, and before notification that the installation of the switch would be delayed. Under these circumstances, it cannot reasonably be suggested that the TMP Companies are attempting to avoid compliance.<sup>4</sup>

Verizon Wireless, Dobson and Nextel purposefully ignore the fact that the TMP Companies operate in a few small markets, without the benefits of access to the capital market and vendor attention enjoyed by national carriers. Although the oppositions reprimand the TMP

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<sup>3</sup> See Petition, pp. 2-4.

<sup>4</sup> Nextel suggests that the TMP Companies simply "do not want to implement LNP." Nextel Comments at p. 6. The facts demonstrate otherwise.

Companies that they "should have" or "could have" done things differently, that subjective assessment is the product of a large company operating environment which is far removed from the everyday reality of the TMP Companies.

Decisions regarding infrastructure modifications and their implementation schedules are made within tight capital constraints. Contrary to the oppositions' allegations of inappropriate delay, the record reflects diligent effort to implement LNP capability in a timely manner, an intent that was thwarted by an unforeseen delay in delivery of the new LNP-capable switch.

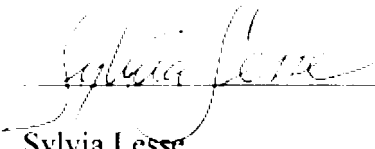
In suggesting that the TMP Companies attempt to implement a temporary LNP solution on the existing switch, opponents ignore the record of disappointing and costly failures suffered by the TMP Companies in attempting to bring the TECORE switch into compliance with other Commission mandates. There is no reason to expect that the purported LNP solution will be any more successful than its forerunners. Opponents' derision notwithstanding, it is, in fact, ridiculous to expend scarce resources on the faint hope that the TECORE solution will, in fact, operate as required, and then abandon that investment only months later.

The oppositions also fail to consider that the TMP Companies are seeking only a short extension of time within which to resolve the specific, identified issue which arose in the limited context of a switch change-out. The diligent and good-faith steps taken by the TMP Companies to meet the deadline justify grant of the limited relief requested.

As demonstrated in the Petition, the TMP Companies actively and appropriately worked toward implementation of number portability capability. The minimal relief requested is warranted and consistent with the implementation of number portability in a reasonable and prudent manner.

Respectfully submitted,

**TMP Corp. and  
TMP Jacksonville, LLC**

A handwritten signature in cursive script, appearing to read "Sylvia Lesse", is written over a horizontal line.

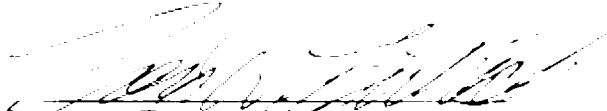
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Date: April 22, 2004

## DECLARATION OF TREY LUTRICK

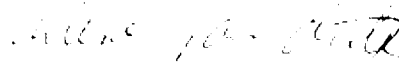
I, Trey Lutrick, CEO of TMP Corp. and TMP Jacksonville, LLC, do hereby declare under penalty of perjury that I have read the foregoing Reply Comments of TMP Corp. and TMP Jacksonville, LLC, and that the facts stated therein are true and correct, to the best of my knowledge, information and belief.

  
Trey Lutrick

Dated: 4/21/04

## CERTIFICATE OF SERVICE

I, Darlene Poindexter, of Kraskin, Lesse & Cosson, LLC, 2120 I Street, NW, Suite 520, Washington, DC 20037, do hereby certify that a copy of the foregoing "Reply Comments of TMP Corp. and TMP Jacksonville, LLC" was served on this 22<sup>nd</sup> day of April 2004, on the following parties:

  
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